**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION.**

**CRIMINAL APPLICATION No. 3172 of 2007.**

Samir C. K. Kadar ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr Prakash Shetty, Advocate for the applicant.

Mr S. S. Pednekar, A.P.P for the State.

**CORAM: V.C. DAGA,J.**
**DATED: 23RD OCTOBER, 2007.**

**P.C.:-**

1. Heard learned counsel for the applicant and learned APP for the State.

2. Perused the application and material available on record.

3. The applicant is seeking bail under Section 439 of the Cr.P.C. in C.R. No.I-126/2006 registered with Central Police Station,Ulhasnagar for the offence punishable under Sections 326, 452, read with Section 34 of the I.P.C.

4. Learned A.P.P. submits that if the applicant is released on bail, possibility of committing criminal offence by him cannot be ruled out. He, thus, submits that no bail should be granted to the present applicant.

5. So far as the F.I.R. is concerned, it does not mention the name of the present applicant. It appears that the applicant was arrested in some other C.R. No. 58 of 2006 under Section 387 read with Section 34 of the I.P.C. During the interrogation with the accused from the material surfaced and on that basis present applicant appears to have been arrested.

6. Having heard both parties, no useful purpose would be served by detaining the applicant in custody till the trial is over. However, while releasing him on bail, certain stringent conditions will serve ends of justice.

7. In the above view of the matter, considering the act of commission of offence and nature of the injury suffered, the applicant would be entitled for bail. I am of the considered view that on following terms and conditions the applicant be released on bail:-

a] The applicant arrested in connection with C.R.No.I-126 of 2006 registered with Central Police Station,Ulhasnagar

under Sections 326, 452 read with Section 34 of the I.P.C. shall be enlarged on bail subject to furnishing a personal bond of Rs. 25,000/- with one local solvent surety in the like amount.

b] The applicant shall report to above Police Station once in a week i.e. on every Saturday between 3.00 to 5.00 p.m.till the conclusion of the trial.

c] The order of bail will be given effect only after the applicant furnishes to the Investigating Officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating Officer.

d] The applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

e] The applicant shall co-operate with

the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

f] Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

g] Breach of any of the above conditions may result in cancellation of this order.

8. Application is disposed of in above terms.

**(V.C. DAGA,J.)**